



STATE OF MICHIGAN  
SUPREME COURT

144845

FRANK J. LAWRENCE,  
Plaintiff-Appellant

v

CITY OF TROY,  
Defendant-Appellee.

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SC: 144845  
COA: 300478  
Oakland CC: 2008-095176-CZ

STATEMENT BY ZAHRA, J., DENYING MOTION FOR DISQUALIFICATION

April 13, 2012

ZAHRA, J. In this Freedom of Information Act case, plaintiff has moved for my disqualification. I previously recused myself from plaintiff's original action pursuant to MCR 7.304, in which plaintiff asked this Court to implement superintending control power over the Board of Law Examiners 2010 decision denying plaintiff's application for admission to the State Bar of Michigan. The basis of my recusal was that I was a member of the Board of Law Examiners and participated in the decision making process that was the subject of plaintiff's superintending control complaint. Plaintiff now seeks my recusal alleging that the instant action was cited in plaintiff's action seeking superintending control. That plaintiff elected to make mention of his FOIA action in his complaint for superintending control does not form a basis for my recusal in this action. Plaintiff also implies that as a member of the Board, I directed the State Bar to investigate plaintiff's motives for filing the instant FOIA action. This is not true. The Board did indeed refer plaintiff to the State Bar for further character and fitness investigation, but nothing in the request for investigation directed the State Bar to investigate plaintiff's FOIA action. Further, the Board of Law Examiners May 4, 2010 opinion states the bases of the Board's decision to deny plaintiff's application for admission to the bar. There is no mention of plaintiff's FOIA case in that opinion. That plaintiff was apparently

involved in this litigation during the time his application for admission was pending was not an issue before the Board and had no bearing on the Board's decision, which speaks for itself. In sum, plaintiff has failed to substantiate any basis for my recusal. Because I have no actual bias for or against plaintiff and there is no appearance of impropriety, nor do any other grounds exist for my disqualification, I deny plaintiff's motion.